

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**CRIMINAL ACTION NO. 2:16-CR-7-KS-MTP**

**CHARLES BOLTON and  
LINDA BOLTON**

**ORDER**

This matter is on the Response [244] filed by Defendants in opposition of the already ruled on Motion for Leave [238] filed by the Government. The Court has considered Defendants' Response [244] and finds that it is not well taken and that the Order [243] granting leave stands. Under Federal Rule of Criminal Procedure 45(b), a party is allowed to file an out-of-time response if they can show excusable neglect. The Fifth Circuit has noted that the district court "enjoys broad discretion to grant or deny an extension" and that "the excusable neglect standard is intended and proven to be quite elastic in its application." *Salts v. Epps*, 676 F.3d 468, 474 (5th Cir. 2012) (internal quotations and citations omitted). Multiple courts in this circuit have found calendaring errors, such as the one the Government admits to have made, to be excusable neglect. *See, e.g.*, *Stotter v. Univ. of Tex. at San Antonio*, 508 F.3d 812, 820 (5th Cir. 2007). Furthermore, the delay created by the extension is not so great as to prejudice Defendants. Therefore, the Court's previous Order [243] stands.

SO ORDERED AND ADJUDGED this the 23<sup>rd</sup> of May, 2017.

s/Keith Starrett  
KEITH STARRETT  
UNITED STATES DISTRICT JUDGE